

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

LOCHNER TECHNOLOGIES, LLC,

Plaintiff

v.

**DELL INC.,
HEWLETT PACKARD COMPANY,
FUJITSU COMPUTER SYSTEMS
CORPORATION, and
INTERNATIONAL BUSINESS
MACHINES CORPORATION**

Defendants

CIVIL ACTION NO. 2:09-CV-177-TJW

JURY TRIAL DEMANDED

**JOINT MOTION TO DISMISS INTERNATIONAL BUSINESS MACHINES
CORPORATION WITH PREJUDICE**

Lochner, Technologies, LLC (“Lochner”) and International Business Machines Corporation (“IBM”) have settled the claims by and between Lochner and IBM. Accordingly, pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii), Lochner and IBM hereby jointly move the Court to dismiss with prejudice all claims asserted by and between Lochner and IBM in this litigation. Each party will bear its own costs and attorneys’ fees.

Respectfully submitted, this 21st day of October 2010.

Respectfully submitted,

/s/ Marc A. Fenster (by permission HCG)

Marc A. Fenster, CA SB # 181067
Email: mfenster@raklaw.com
Stanley H. Thompson, Jr., CA SB # 198825
Email: sthompson@raklaw.com
Daniel C. Whang, CA SB # 223451
Email: dwhang@raklaw.com
RUSS, AUGUST & KABAT
12424 Wilshire Blvd., 12th Floor
Los Angeles, California 90025
Telephone: (310) 826-7474
Facsimile: (310) 826-6991

William Ellsworth Davis, III
Texas State Bar No. 24047416
Email: bdavis@bdavisfirm.com
THE DAVIS FIRM, PC – LONGVIEW
111 West Tyler Street
Longview, Texas 75601
Telephone: (903) 230-9090
Facsimile: (903) 230-9661

Respectfully submitted,

/s/ Hilda C. Galvan

Hilda C. Galvan
Lead Attorney
Texas State Bar No. 00787512
Email: hcgalvan@jonesday.com
Mark C. Howland
Texas State Bar No. 24027240
Email: mchowland@jonesday.com
JONES DAY
2727 North Harwood Street
Dallas, TX 75201-1515
Telephone: (214) 220-3939
Facsimile: (214) 969-5100

ATTORNEYS FOR DEFENDANT
INTERNATIONAL BUSINESS
MACHINES CORPORATION

ATTORNEYS FOR PLAINTIFF
LOCHNER TECHNOLOGIES, LLC

CERTIFICATE OF SERVICE

The undersigned hereby certifies that all counsel of record who have consented to electronic service are being served with a copy of the foregoing document via the Court's CM/ECF system per Local Rule CV-5(a)(3) on this the 21st day of October, 2010.

/s/ Hilda C. Galvan